

UNITED STATES DISTRICT COURT
WESTERN DISTRICT ARKANSAS

JILL DILLARD, JESSA SEEWALD, JINGER
VUOLO, and JOY DUGGAR,

Plaintiffs,

- against -

CITY OF SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O'KELLEY, in her individual and
official capacities; ERNEST CATE, in his
individual and official capacities; RICK HOYT,
in his individual and official capacities; STEVE
ZEGA, in his official capacity; BAUER
PUBLISHING COMPANY, L.P.; BAUER
MAGAZINE, L.P.; BAUER MEDIA GROUP,
INC.; BAUER, INC.; HEINRICH BAUER
NORTH AMERICA, INC.; BAUER MEDIA
GROUP USA, LLC; and DOES 1-10, inclusive,

Defendants.

Civil Action No.: 17 Civ. 5089 (TLB)

**UNOPPOSED MOTION FOR CONTINUANCE OF THE
CASE MANAGEMENT HEARING**

Defendants, Bauer Publishing Company, L.P.; Bauer Magazine, L.P.; Bauer Media Sales, Inc., formerly known as Bauer Media Group, Inc.; Bauer, Inc.; Heinrich Bauer North America, Inc.; and Bauer Media Group USA, LLC (collectively, the “Bauer Defendants”) by their attorneys, Davis Wright Tremaine LLP and Cross, Gunter, Witherspoon & Galchus, P.C., and for their Unopposed Motion for Continuance, state:

1. A Case Management Hearing is scheduled for September 25, 2017 at 10:30 am before the Honorable Judge Timothy L. Brooks. ECF Dkt. No. 34.

2. Defendants the City of Springdale, Arkansas, Kathy O’Kelly, and Ernest Cate (collectively the “City Defendants”) filed a Motion to Dismiss on June 29, 2017. ECF Dkt. No.

22. Plaintiffs have responded to the motion and the City Defendants have filed a reply. ECF Dkt. Nos. 32, 38. The City Defendants' Motion to Dismiss remains pending.

3. Defendants Washington County, Arkansas, Rick Hoyt, and Steve Zega (collectively, the "County Defendants") filed a Motion to Dismiss on July 10, 2017. ECF Dkt. No. 30. Plaintiffs have responded to the motion. ECF Dkt. No. 36.

4. The Court has stated that it will hear oral argument on the City Defendants' and the County Defendants' Motions to Dismiss, if the Court has not already ruled on some or all of the motions, at the September 25, 2017 Case Management Hearing. ECF Dkt. No. 35 at 3.

5. The Bauer Defendants will file their Motion to Dismiss on or before August 22, 2017. The earliest that briefing will be completed is by September 12, 2017, assuming no extensions and if leave to reply within seven days of a response is sought and granted.

6. Lead counsel for the Bauer Defendants, Elizabeth McNamara, is scheduled to be traveling abroad on business on September 25, 2017 and will be unable to attend the Case Management Hearing telephonically or in person.

7. For judicial economy and to prevent the parties from incurring costs and expenses which may be unnecessary, the Bauer Defendants request a continuance of the Case Management Hearing. We have conferred with counsel for the parties and one counsel is on trial October 2-5. Thus, we ask the Court to set the next available date after October 5, 2017, except for the following dates of October 17-19, which also present conflicting court dates.

8. If the continuance is granted, it will allow the Court sufficient time to review all of the submitted Motions to Dismiss—the City Defendants', the County Defendants', and the Bauer Defendants' Motions to Dismiss—and to hold a single hearing for oral argument on all motions. If the Case Management Hearing is held on September 25, 2017, there will be less than

two weeks between the completion of the Bauer Defendants' Motion to Dismiss briefing and the Case Management Hearing.

9. Granting the continuance will also allow all counsel to attend the Case Management Hearing. Ms. McNamara would like to physically attend the initial Case Management Hearing before the Court to meet Your Honor and the other counsel involved in this matter. Ms. McNamara, as lead counsel who will have the main role in formulating the arguments in the Bauer Defendants' Motion to Dismiss, would also like to attend to present arguments on behalf of the Bauer Defendants that may be raised related to Plaintiffs' allegations generally or in relation to the City and County Defendants' Motions to Dismiss as well as in connection with the anticipated Bauer Defendants' Motion to Dismiss.

10. Plaintiffs' counsel and Co-Defendants' counsel have been consulted and agree to the requested continuance of the Case Management Hearing. Plaintiffs' counsel, however, while agreeing to a continuance of the Case Management Hearing opposes moving September 25, 2017 as the date for a potential oral argument on the City Defendants' and the County Defendants' Motions to Dismiss.

WHEREFORE, the Bauer Defendants pray that their Unopposed Motion for Continuance of the Case Management Hearing be granted and for all other just and proper relief to which they may be entitled.

Respectfully Submitted,

Date: July 26, 2017

By: /s/ Elizabeth A. McNamara

DAVIS WRIGHT TREMAINE LLP
Elizabeth A. McNamara
(lizmcnamara@dwt.com)

1251 Avenue of the Americas, 21st Floor New
York, New York, 10020-1104
Telephone: (212) 489-8230
Fax: (212) 489-8340

CROSS, GUNTER, WITHERSPOON &
GALCHUS, P.C.

Cythia W. Kolb
(ckolb@cgwg.com)
500 President Clinton Avenue, Suite 200
Little Rock, Arkansas 72201
Telephone: (501) 371-9999
Fax: (501) 371-0035

*Attorneys for Defendants Bauer Publishing
Company, L.P.; Bauer Magazine, L.P.; Bauer
Media Sales, Inc.; Bauer, Inc.; Heinrich Bauer
North America, Inc.; and Bauer Media Group USA,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

Lauren Wulfe
Robert O'Brien
Steven Bledsoe
Larson O'Brien LLP
555 S. Flower Street
Suite 4400
Los Angeles, CA 90071

Sarah Coppola Jewell
Shawn B. Daniels
Hare Wynn Newell Newton LLP
129 West Sunbridge Drive
Fayetteville, AR 72703

Jason E. Owens
Rainwater, Holt & Sexton, P.A.
P.O. Box 17250
Little Rock, AR 72222-7250

Robert Justin Eichmann
Thomas N. Kieklak
Harrington, Miller, Kieklak, Eichmann & Brown, P.A.
P.O. Box 687
113 East Emma Avenue
Springdale, AR 72765-6765

Susan Keller Kendall
Kendall Law Firm, PLLC
3706 Pinnacle Hills Parkway
Suite 201
Rogers, AR 72758

/s/ Jamie S. Raghu